

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	5

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1059, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 9, begin a new paragraph and insert:
- 2 "SECTION 1. IC 3-6-4.1-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The
- 4 commission consists of **the following members:**
- 5 **(1) The commission's chair appointed by the governor as**
- 6 **provided in section 6 of this chapter.**
- 7 **(2) Four (4) other individuals appointed by the governor as**
- 8 **provided in section 4 of this chapter.**
- 9 (b) Each member of the commission must be a registered voter.
- 10 (c) Each member of the commission **appointed under subsection**
- 11 **(a)(2)** must be a member of a major political party of the state. Not
- 12 more than two (2) members of the commission **appointed under**
- 13 **subsection (a)(2)** may be a member of the same political party.

1 SECTION 2. IC 3-6-4.1-4 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **This section applies only**
 3 **to a commission member described in section 2(a)(2) of this**
 4 **chapter.**

5 (b) Before May 1 of a year that the term of a member of the
 6 commission expires, the state chairman of the major political party of
 7 the state represented by that member may nominate, in writing, two (2)
 8 individuals of the state chairman's own political party to succeed the
 9 member whose term will expire.

10 ~~(b)~~ (c) The state chairman of a political party may nominate the
 11 individual whose term will expire that year to serve a new term.

12 ~~(c)~~ (d) If the state chairman makes the nominations before May 1,
 13 the governor shall appoint one (1) of the nominees to the commission.

14 ~~(d)~~ (e) If the state chairman fails to make the nominations before
 15 May 1, the governor shall, within another ten (10) days, appoint a
 16 member of the same political party as the state chairman. The state
 17 chairman may disapprove the selection by notifying the governor within
 18 seven (7) days after receiving notice of the governor's appointment.

19 ~~(e)~~ (f) If the state chairman disapproves the selection within the
 20 seven (7) day period under subsection ~~(d)~~, (e), the governor shall make
 21 another appointment under subsection ~~(d)~~ (e) that is also subject to the
 22 disapproval of the state chairman under subsection ~~(d)~~ (e).

23 ~~(f)~~ (g) If the state chairman does not disapprove an appointment
 24 under subsection ~~(d)~~ (e) within the seven (7) day period, the individual
 25 appointed by the governor is a member of the commission.

26 SECTION 3. IC 3-6-4.1-5 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **This section applies only**
 28 **to a commission member described in section 2(a)(2) of this**
 29 **chapter.**

30 (b) If a member of the commission resigns, dies, or becomes unable
 31 to serve on the commission, the governor shall notify the state chairman
 32 of the major political party of the state represented by the member.

33 ~~(b)~~ (c) The state chairman may nominate in writing, within ten (10)
 34 days after notice of the vacancy, two (2) individuals of the state
 35 chairman's own political party to succeed the member. If the state
 36 chairman makes the nominations within ten (10) days, the governor

1 shall appoint one (1) of the nominees to the commission.

2 ~~(c)~~ **(d)** If the state chairman fails to make the nominations within ten
3 (10) days, the governor shall, within another ten (10) days, appoint a
4 member of the same political party as the state chairman. The state
5 chairman may disapprove the selection by notifying the governor within
6 seven (7) days after receiving notice of the governor's appointment.

7 ~~(d)~~ **(e)** If the state chairman disapproves the selection within the
8 seven (7) day period under subsection ~~(c)~~, **(d)**, the governor shall make
9 another appointment under subsection ~~(c)~~ **(d)** that is also subject to the
10 disapproval of the state chairman under subsection ~~(c)~~: **(d)**.

11 ~~(e)~~ **(f)** If the state chairman does not disapprove an appointment
12 under subsection ~~(c)~~ **(d)** within the seven (7) day period, the individual
13 appointed by the governor is a member of the commission.

14 SECTION 4. IC 3-6-4.1-6, AS AMENDED BY P.L.122-2000,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 6. (a) The governor shall appoint ~~one (1) of~~
17 ~~the members of the commission an individual nominated by~~
18 **Common Cause of Indiana** to be the ~~commission's~~ chair. ~~and one (1)~~
19 ~~of the members of the commission to be the vice chair of the~~
20 ~~commission. The chair of the commission must be a member of the~~
21 ~~same political party as the individual who is the secretary of state. The~~
22 ~~vice chair and the chair may not be affiliated with the same political~~
23 ~~party.~~

24 ~~(b) The individuals appointed as chair and vice chair serve in their~~
25 ~~respective positions until each individual's term as a member of the~~
26 ~~commission expires.~~

27 **(b) If the commission's chair resigns, dies, or becomes unable**
28 **to serve on the commission, the governor shall notify Common**
29 **Cause of Indiana. The governor shall appoint the individual**
30 **nominated by Common Cause of Indiana to fill the vacancy for**
31 **the remainder of the unexpired term of the chair.**

32 **(c) Except as provided in section 7 of this chapter, the chair is**
33 **a nonvoting member of the commission.**

34 SECTION 5. IC 3-6-4.1-7 IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Three (3) **voting**
36 members of the commission constitute a quorum.

(b) Except as otherwise provided in this title, the affirmative vote of at least three (3) **voting** members of the commission is necessary for the commission to take official action other than to meet to take testimony.

(c) If commission members are evenly divided on any matter before the commission, the chair shall cast the deciding vote.

(d) Whenever this title requires the unanimous vote of the entire membership of the commission to take action on a matter before the commission, the commission's chair may not vote on the matter.

SECTION 6. IC 3-6-4.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies only to a commission member described in section 2(a)(2) of this chapter.**

(b) A member of the commission may designate another individual to serve as a proxy of record in the member's place as a member of the commission by filing a written instrument designating the proxy of record with the election division. The proxy of record has the same authority to act and vote on all matters as does the member. The member may revoke the authority of the proxy of record at any time. The authority of the proxy of record may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument designating the proxy.

~~(b)~~ **(c)** If both the member and the member's proxy of record are unavailable, the member may designate another individual in writing to serve as an alternate proxy in the member's place as a member of the commission. This designation must be filed with the election division before taking effect. The alternate proxy has the same authority to act and vote on all matters as does the member. The member may revoke the authority of the alternate proxy at any time. The authority of the alternate proxy may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument designating the proxy.

SECTION 7. IC 3-6-4.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. If the chair for any reason fails to call a meeting of the commission, then

~~(1) the vice chair, with the written approval of the remaining two~~

- 1 ~~(2) commission members, may convene a meeting of the~~
2 ~~commission; and~~
3 (2) ~~the~~ any three (3) members of the commission may meet to
4 execute the powers and perform the duties of the commission."
5 Renumber all SECTIONS consecutively.
 (Reference is to HB 1059 as introduced.)

and when so amended that said bill do pass.

